

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

HARRY SMITH, JR., and ROSLYN )  
WOODARD SMITH, individually and as )  
Administrators of the ESTATE OF HARRY )  
SMITH, III )

Plaintiffs, )

v. )

C.A. No. 04-1254-GMS

CITY OF WILMINGTON, JOHN )  
CIRITELLA, THOMAS DEMPSEY and )  
MATTHEW KURTEN, )

Defendants. )

**JURY TRIAL DEMANDED**

**AFFIDAVIT OF MICHAEL LAWSON**

COUNTY OF NEW CASTLE )  
 ) SS:  
STATE OF DELAWARE )

Michael Lawson, being first duly sworn, deposes and says that:

1. I am a Detective with the Wilmington Police Department. On September 13, 2003 I was a Master Corporal in that department.

2. On the evening of September 13, I was in a tan detective car with Wilmington Detective Donna DiClemente in the vicinity of 6th and VanBuren Streets when I heard an Officer Needs Assistance call from unit 16-Charles. I immediately began to drive toward 14th and Washington Street where I understood 16-Charles to be located. While on my way I heard a radio broadcast that "he's got the car" followed by a description of the route the stolen police car was taking.

3. I heard Sergeant Donohue broadcast that the stolen car had turned right off of Washington Street onto 7th Street. I was in the vicinity of Monroe Street so I drove south on Monroe to where it intersects with 7th Street.

4. I observed the stolen police car heading westbound on 7th Street and turn left onto Monroe at a high rate of speed. The stolen police car barely managed to negotiate the turn and narrowly avoided hitting some parked cars on Monroe Street.

5. I followed the stolen police car southbound on Monroe Street and was now the lead car in the chase. My lights and siren were on and remained so throughout the rest of the chase.

6. At the intersection of Fourth and Monroe Streets the stolen police car made a right hand turn and headed westbound on Fourth Street. I followed the stolen police car westbound on Fourth. A gap opened up between my car and the stolen police car on Fourth Street, but I could clearly see the stolen police car at all times.

7. A marked Wilmington police car, which I now understand to have been drive by Officer Donald Dempsey, was on southbound Jackson Street where it intersects with Fourth Street. Officer Dempsey made a right hand turn onto westbound Fourth Street when the stolen police car passed Jackson. He was now the lead car in the chase and my car was behind him.

8. The stolen police car turned right on VanBuren Street and headed northbound on that street. Officer Donald Dempsey followed the stolen car, and I followed Officer Dempsey.

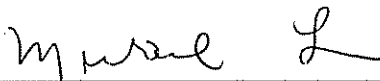
9. The stolen police car next turned left onto Fifth Street. The stolen car was still followed by Officer Donald Dempsey and then me.

10. While traveling on 5th Street I could see that a burgundy detective's car and a marked patrol car had blocked 5th Street where it intersects with the easterly side of Harrison.

As the stolen police car approached the intersection it slowed almost to a stop. Officer Donald Dempsey, who was in the car in front of me, stopped his vehicle and got out. Detective John Ciritella approached the stolen police car on foot from the northern side of 5th Street where it intersects with Harrison in what appeared to me to be an effort to bring this situation under control. I could hear him identifying himself as a police officer and directing the driver to stop and get out of the car. I could hear another police officer yelling similar instructions to the driver.

11. As Detective Ciritella approached the stolen car, the driver suddenly accelerated the car directly at Detective Ciritella. Detective Ciritella, in an obvious attempt to protect his life, fired three or four rounds from his pistol at the stolen police car. The stolen police car then circumvented the two police cars blocking 5th Street and managed to get on Harrison Street where it headed in a northerly direction. I could hear shots being fired at the stolen police car as it proceeded northbound on Harrison Street.

12. Officer Donald Dempsey, who had exited his car, immediately returned to his car as the stolen police car accelerated forward on Fifth Street. I followed Officer Dempsey in my car on Fifth Street, then stopped my car, got out and ran toward Harrison. By the time I reached Fifth and Harrison there were no longer any shots being fired at the car. The stolen car was still moving, and I saw Detective Ciritella reach in the passenger's side of the stolen police car and put it in park. I ran to the driver's side of the car and, with the assistance of Detective DiClemente and Patrolman Gifford, removed the suspect from the police car.



Michael Lawson

SWORN to and subscribed before me this  
2<sup>nd</sup> day of June, 2006.



Notary Public

BARBARA A. WHEELER  
Notary Public - State of Delaware  
My Comm. Expires June 20, 2006

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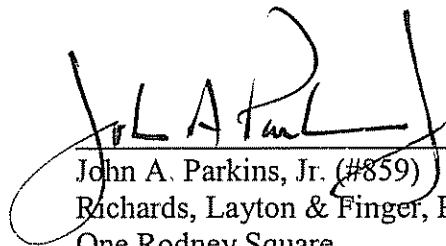
**CERTIFICATE OF SERVICE**

I hereby certify that on June 14, 2006, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and Hand Delivered to the following:

Kester I.H. Crosse, Esquire  
Williams & Crosse  
1214 King Street  
Suite 300  
Wilmington, DE 19801

I hereby certify that on June 14, 2006, I have sent by U.S. Regular Mail, the foregoing document to the following non-registered participants:

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